REMARKS

Applicants would like to express appreciation to the Examiner for the detailed Official Action provided. Upon entry of the present amendment, claims 10, 14, 28 and 32 will have been amended and claims 42-45will have been submitted for consideration by the Examiner. Claims 10-17 and 22-45 are pending in the present application for consideration. Applicants further gratefully acknowledge the Examiner's indication of the allowability of claims 24, 27, 38 and 41.

With respect to the Examiner's Response to Arguments, while Applicants apologize for any misunderstanding on the part of the Examiner, Applicants stand by the accuracy of the remarks in their Interview Summary. With respect to the Examiner's determination that the term "in real time" as recited in claims 10, 14, 28 and 32, is "broad and not viewed to exclude the teachings of SUZUKI," Applicants note that this limitation has been removed from these claims, the respective limitations of which have been broadened. Should the broader amended claims submitted herewith be allowed while omitting the noted limitations, these broader claims must be deemed to lack the omitted limitations, because the omitted limitations would not be necessary for patentability. Applicant intends that any such claims be interpreted not to require any features that are omitted from the amended claims.

The Examiner has rejected claims 10, 13-15, 17, 22, 23, 25, 26, 28, 31-33, 35-37, 39 and 40 under 35 U.S.C. § 102 (b) as being anticipated by SUZUKI (U.S. Patent No.

5,485,004). Applicants respectfully traverse the Examiner's rejection and submit that the present claims are markedly different from SUZUKI as well as the other references of record.

Specifically, Applicants submit that SUZUKI fails to teach or suggest at least (with respect to independent claims 10 and 28) the claimed correction means (or correction circuit) for correcting said integration value of said light receiving means (or light receiver) whose integration operation has been stopped by said integration control means (or integration controller), in accordance with a correction value to correct a difference in integration characteristics among said plurality of monitor means (or monitors), and further fails to teach or suggest at least (with respect to independent claims 14 and 32) the claimed gain setting means (or gain setter) for comparing a gain of said integration value of said light receiving means (or light receivers) that have not reached said predetermined value after a maximum integration time has lapsed, with said predetermined value that has been corrected in accordance with a correction value to correct a difference of integration characteristics among said plurality of monitor means (or monitors).

In a non-limiting example, as described *inter alia*, at page 34, lines 9-13 of the specification, the integration value of each sensor (212A, 212B, 212C) is corrected by the monitor offset value. The monitor offset value is defined, in a non-limiting example, by differences between the level of the monitor dark sensor MD and the levels of the monitor sensors in the initial position thereof before the integration operation begins. In other words,

the offset value is a predetermined value to correct (or compensate) a difference in integration characteristics (such as initial integration values) among the plurality of monitor sensors. Additional support for the above-described claim limitations may be found, *inter alia*, at page 33, lines 4-7; page 35, lines 4-13; page 36, line 13- page 37, line 21; page 43, line 13-16; and page 46, line 8 – page 47, line 2.

To the contrary, in SUZUKI (as discussed *inter alia* at col. 8, line 31 – col. 9, line 44, and more particularly at col. 9, lines 9-15) obtains an integration value by adding adjacent pixels when an integration operation is not terminated within a predetermined time, and does not, in accordance with a correction value, correct a difference in integration characteristics among monitors (or pixel blocks), as substantially claimed in all independent claims.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 10, 14, 28 and 32, these claims, and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection of independent claims 10, 14, 28 and 32 and the claims dependent therefrom, under 35 U.S.C. § 102(b).

With respect to the Examiner's above rejection of the dependent claims under 35 U.S.C. § 102(b), since these claims are dependent from one of allowable independent claims 10, 14, 28 and 32 which are allowable for at least the reasons discussed *supra,* these

dependent claims (as well as newly-added claims 42-45) are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record.

With respect to the Examiner's above rejection of dependent claims 11-12, 29 and 30 under 35 U.S.C. § 103(a), since these claims are dependent from one of allowable independent claims 10, 14 and 28, which are allowable for at least the reasons discussed *supra,* these dependent claims are also allowable for at least these reasons. Further, as discussed *supra*, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record.

With respect to newly-added dependent claims 42-45, it is respectfully submitted that none of the references of record, either taken alone or together in any proper combination thereof, teaches or suggests at least that the integration characteristics are initial integration values of each monitor of said plurality of monitors (or monitor means).

Further, Applicants assert that the amendment to the claims does not raise new issues that require the Examiner to conduct an additional search. The present amendment has merely more clearly defined the present claimed invention.

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and as noted *supra*, merely clarifies the independent claims. Thus, with respect to the amendment to claims 10, 14, 28 and 32, should not be considered as surrendering equivalents of the territory between these claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (*i.e.*, for clarification purposes), and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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